

COMMISSION ON VASAP QUARTERLY BOARD MEETING

Friday, June 8, 2012

Minutes

Attendance:

Commission Members:

Delegate Salvatore R. Iaquinto
Delegate C. Todd Gilbert
Delegate Jackson H. Miller
Delegate David Toscano
The Honorable James F. Almand, Jr.
The Honorable George W. Harris, Jr.
The Honorable George D. Varoutsos
Sheriff Michael L. Wade
Mr. John L. Saunders
Ms. Pat Eggleston
Mr. Roy Keith Lloyd
Ms. Susan Marchon

ASAP Directors:

Mr. Miles Bobbitt
Mr. Anthony Carmichael
Mr. Dave Dutcher
Mr. Daniel Ellis
Ms. Mary Read Gillispie
Mr. Ray Greenwood
Ms. Kathryn Hall
Mr. James H. Johnson
Ms. Victoria Kesler
Mr. Daren Leake
Mr. Kimball Peele
Ms. Carol Powell
Ms. Pam Simmons
Ms. Tara Smith

VASAP Staff:

Ms. Angela Coleman, Executive Director
Mr. Oscar Brinson, Legal Counsel
Ms. Charlene Motley
Ms. Brenda Duncan

Guests:

Captain Dave Arnold
Mr. Charles Buffington, III
Mrs. Lithia Carter
Mr. Dwight Dansby
Mr. Ivan Fehrenbach
Ms. Katie Gray
The Honorable Merline M. Renne
Ms. Cindy Sheffield

Time and Place:

The quarterly meeting of the Commission on the Virginia Alcohol Safety Action Program (VASAP) was held on June 8, 2012 at the General Assembly Building 6th Floor Speaker's Conference Room. The meeting was called to order by Delegate Salvatore Iaquinto, Vice Chairman.

Welcome:

Everyone in attendance introduced themselves. Delegate Iaquinto offered thanks to everyone for attending the meeting.

Approval of Minutes:

A motion was made and properly seconded to approve the minutes from the meeting on March 16, 2012. The majority were in favor, one abstention. Delegate Toscano refrained from voting stating that he was not a member of the Commission during that time and therefore was not in attendance at the meeting.

Nominations:

Delegate Iaquinto reported that pursuant to Virginia Code 18.2 – 271.2 Subsection B, elections will need to be held for the position of Chairman of the Commission on VASAP. The position was previously held by Senator Henry L. Marsh, III.

The floor was opened for nominations for Chairman. Mr. Roy-Keith Lloyd nominated Delegate Salvatore Iaquinto. Delegate Iaquinto accepted the nomination. There being no other names submitted for nomination for the position of Chairman, the nominations were closed. A motion was made and properly seconded to elect Delegate Iaquinto to serve as Chairman. All were in favor.

With the election of Delegate Iaquinto as the new Chairman, the position of Vice Chairman was vacated. The floor was then opened for nominations for the position of Vice Chairman of the Commission on VASAP. Ms. Susan Marchon nominated Delegate Jackson H. Miller. Delegate Miller accepted the nomination. There being no other names for nominations for the position of Vice Chairman, the nominations were closed. A motion was made and properly seconded to elect Delegate Miller to serve as Vice Chairman. All were in favor.

Special Recognition

On behalf of the entire membership of the Commission on VASAP and the Commission staff, Delegate Iaquinto expressed his gratitude to Senator Marsh for his many years of commitment, dedication, loyalty, wisdom and service as a member of the Commission. Delegate Iaquinto remarked that it has been an honor to serve with Senator Marsh on the Commission. After receiving a standing ovation, Senator Marsh was presented with a plaque noting his vision and leadership provided to the ASAP system. He was also presented with written expressions of gratitude and best wishes from Commission members, Commission staff, ASAP directors and guests.

Delegate Iaquinto yielded the floor to Senator Marsh as he commented on the importance of his time spent with the Commission. He remarked that VASAP will always hold a

special place with him. He will continue to work on behalf of the ASAP system to ensure its continued viability. Senator Marsh concluded by thanking the staff members of the Commission and the local programs for their daily commitment to program participants and to their efforts at decreasing the incidences of driving under the influence.

In recognition of his pending retirement, Mr. David Dutcher, director of the James River ASAP in Charlottesville, was presented with a plaque of recognition for over fifteen years of devoted and dedicated service to both the James River and Chesapeake Bay ASAP programs. Mr. Dutcher thanked the Commission for the recognition.

Executive Finance Committee Report:

The Executive Finance Committee report was presented by Ms. Susan Marchon.

Ms. Marchon began by stating that the Committee met on June 7, 2012. However, since the budget process changed to allow more time to review and to obtain additional information, the Committee met a number of times over the last several weeks. She acknowledged the directors for their work in meeting the requirements for budget approval. She extended special gratitude to Ms. Keshana Lee, Accountant, at the Commission office, for her excellent work in coordinating the budget review process and for working with the directors to maintain accurate and current budget information.

FY 2013 Budgets:

The following program budgets were reviewed by the Executive Finance Committee and recommended for approval:

Alexandria ASAP, Arlington ASAP, Bull Run ASAP, Capital Area ASAP, Central Virginia ASAP, Chesapeake Bay ASAP, Court Community Corrections, Dan River ASAP, District Nine ASAP, Fairfax ASAP, James River ASAP, Mount Rogers ASAP, New River Valley ASAP, Old Dominion ASAP, Peninsula ASAP, Piedmont ASAP, Rappahannock Area ASAP, Rockingham/Harrisonburg ASAP, Southeastern Virginia ASAP, Southside Virginia ASAP, Southwest Virginia ASAP, Tri River ASAP and Valley ASAP.

The John Tyler ASAP budget was recommended for conditional approval. The John Tyler ASAP Policy Board is scheduled to meet to review and approve the final budget revisions and to review an amendment for expenditures from FY 2012.

Delegate Toscano requested clarification regarding budget projections, deficits, surplus, reserves and program revenues. Ms. Marchon explained that program revenues are entirely offender funded. She advised that no state or federal funds are received and that 3 % of all funds received from local programs are sent to the Commission office monthly to help fund the Commission office. Ms. Marchon explained that there is a special deficit fund account set up by the Commission that can be used to help support ASAPs that fall into sustained deficit situations.

Delegate Toscano questioned if the Commission keeps track of the status of the various reserves. Ms. Coleman explained that each ASAP is required to submit monthly reports to the Commission office which are reviewed regularly. Delegate Toscano asked if there was a process to determine if programs are in jeopardy of falling into a deficit or to determine if programs have excessive money in their reserves. Ms. Coleman explained that monthly reviews of the reports are conducted to include an assessment of the expenditures as well as reserve funds. Delegate Toscano followed by questioning the location of the local program accounts. He wanted to know if the local program funds were held with the state treasurer. Ms. Coleman responded by stating that only the Commission funds are held with the state's treasurer. The local program funds are held individually in local accounts.

Delegate Toscano concluded by requesting an explanation from the three programs that submitted budgets for the FY 2013 where expenditures exceeded the revenue projections. Tara Smith, Arlington ASAP, responded that the program's budget deficit of over \$145,000 would continue to be absorbed by the Arlington County Sheriff's office. She has submitted written verification signed by the Sheriff. Susan Marchon, New River Valley ASAP, stated that the program's budget expenditure exceeded revenue in the amount of \$60,000 as a result of a one-time payment of \$100,000 to reduce the principle amount owed on the building's mortgage. This payment was approved by the local policy board based upon the fact that the program is fiscally sound with steady referrals and a significant amount of reserves. Roy-Keith Lloyd, Southside ASAP, indicated that the budget deficit of slightly over \$1,000 occurred as a result of the changes to employer contributions to VRS.

Delegate Iaquinto added that for the last several years, the state has transferred money from the Commission's account with the state treasurer to the general fund in efforts to help balance the state budget.

A motion was made and properly seconded to approve the local program budgets previously noted. All were in favor.

A motion was made and properly seconded to grant conditional budget approval to John Tyler ASAP until the next Commission meeting. All were in favor.

Certification:

Ms. Marchon reported that certification of the Colonial Region has been completed. She explained that as required by *The Code of Virginia* and the VASAP Policies and Procedures, certification is mandated every three years to ensure that local ASAPs are complying with established Commission policies and program standards. The local ASAPs are divided into three regions and all the ASAPs are certified within the time frame specified for their region. The Commission may certify a program, revoke certification or decline to certify a program. Ms. Marchon explained that if an ASAP certification results in a revocation decision or a decision to decline to certify, it may no longer receive referrals.

The following programs were recommended by the Executive Finance Committee for certification: Capital Area ASAP, Piedmont ASAP, Southeastern ASAP and Southside Virginia ASAP.

A motion was made and properly seconded to certify the above noted programs. All were in favor.

The remaining programs from the Colonial Region were recommended for conditional certification. Ms. Marchon stated there were adjustments or corrections that need to be made to program operations. A vote of conditional certification will require that a follow-up site visit be conducted to access and evaluate the program to determine if the noted deficiencies have been corrected. After that evaluation, local programs may be recommended for certification.

Delegate Iaquinto asked Ms. Marchon to briefly summarize the reasons for the recommendation of conditional certification for each of the programs in that category.

Ms. Marchon provided the following summarization:

The review of the Chesapeake Bay ASAP revealed numerous deficiencies. The list includes but is not limited to, major concerns regarding offender processing, case management supervision, improper classification of offenders, missing minutes of quarterly policy board meetings and inappropriate or non-existent separation of duties for offender fee collection.

The review of the John Tyler ASAP revealed there were issues with the improper administration of the drug and alcohol assessment instrument, improper execution of consent forms, and funds being expended without submission for proper approval of the Commission in advance of the expenditure being made.

The review of the Peninsula ASAP revealed issues regarding compliance with the records retention policy, improper execution of consent forms and not providing intervention within the specified time frames.

The review of the Tri River ASAP revealed issues regarding the improper execution of consent forms, improper classification of offenders and incorrect administration of the drug and alcohol assessment instrument.

Ms. Marchon concluded by stating that in most instances, these issues can be quickly corrected and that some of the directors have already instituted their corrective action plans.

There are two remaining programs from the previous certification cycle for the Battlefield Region that requires a continuation of conditional certification. It was recommended by the Executive Finance Committee that Bull Run ASAP and Old Dominion ASAP continue

with conditional certification. A follow-up site visit will be conducted prior to the next Commission meeting to determine if the deficiencies have been corrected.

A motion was made and properly seconded to grant conditional certification to Chesapeake Bay ASAP, John Tyler ASAP, Peninsula ASAP and Tri River ASAP and to extend conditional certification to Bull Run ASAP and Old Dominion ASAP until the next Commission meeting. All were in favor.

Capital Area ASAP

Ms. Marchon reported that the Commission staff has been working diligently with the Capital Area ASAP and the new director James Hatcher Johnson. The deficiencies and problems noted in 2009 have been corrected. The Policy Board has been re-established; the program is fiscally sound and performed well during the certification review. Ms. Marchon recommended that effective July 1, 2012, the program is returned to the Capital Area ASAP Policy Board now that it is fully constituted and operating according to *The Code of Virginia* and established Commission policies and standards.

A motion was made and properly seconded to return the operations of the Capital Area ASAP to the Capital Area ASAP Policy Board. All were in favor.

Policy Regarding Local Program Purchase of Alcoholic Beverages

Ms. Marchon reported that during certification there were some occurrences noted that made it necessary to establish a policy regarding the use of ASAP funds to purchase alcoholic beverages. This proposed policy mirrors the state's policy regarding the purchase and reimbursement of alcoholic beverages. The policy reads: "All ASAP's are prohibited from utilizing ASAP funds, federal or state grants, donations or any other money designated for the operation of the ASAP programs to pay for or make reimbursement for the use or consumption of alcoholic beverages for any board member, employee, or volunteer."

Ms. Coleman stated that during certification, invoices from a local ASAP noted the use of ASAP funds for the payment of alcoholic beverages during a local policy board meeting. An inquiry was made as to which local ASAP was involved; Ms. Marchon responded, the John Tyler program. Ms. Vicki Kesler, Interim Director of the John Tyler program requested permission to respond. She stated that until 2005, alcoholic beverages were served at the John Tyler ASAP board meeting, however, at the direction of the Commission's former Executive Director, Debra Gardner, that practice was discontinued. She added that since that time, she has attended board meetings and alcohol has not been served. Ms. Kesler stated that she does not have an explanation as to how the charges ended up on the invoice. After discussion, a motion was made and properly seconded to approve the policy as currently written. All were in favor.

Executive Director's Report

Ms. Coleman reported that the VASAP conference will be held on August 13th and August 14th. An invitation to attend was extended to all Commission members. Ms. Coleman reported that information relevant to the daily operations of ASAP programs would be presented at the conference.

Ignition Interlock

Ms. Coleman reported that four ignition interlock vendors have been selected to provide ignition interlock services. The Commission only received four properly submitted sealed bids and those were from the same ignition interlock vendors with the current contract. The four vendors are: Smart Start, Inc., ALCOLOCK, Draeger Safety Diagnostics, Inc. and LifeSafer. Ms. Coleman stated she has met with representatives of all four vendors and they have assured her that they do not anticipate a problem securing additional devices. Each of the four vendors is also a manufacturer of the device with the ability to ship to most locations overnight. Ms. Coleman indicated that each vendor has increased their current product availability by 10%. The vendors are in the position to hire additional technicians and increase service centers locations if needed. Currently there are 93 service centers across the Commonwealth. The average wait time is two-three business days.

There was also discussion regarding the new restricted license order. There were questions about the how the judges would interpret the ignition interlock requirement. Would they utilize the offense date or the sentencing date when determining the requirement for installation of the device for first time offenders? It was noted that the judges would be making the determinations in their jurisdictions and that the ASAPs should be prepared to see the use of both dates.

DMV Training

Ms. Coleman reported that on June 1st, 2012, a training session was held at the Department of Motor Vehicles to review the electronic screen print and pre-qualification process. Commission staff, DMV employees and ASAP directors were in attendance.

Blue Ridge Certification

Certification for the Blue Ridge Region is scheduled to begin June 11, 2012. Ms. Coleman invited Commission members to assist with the certification process. Ms. Coleman expressed her gratitude to Senator Marsh, John Saunders, Sheriff Wade and Judge Harris for their assistance as members of the certification team. The last certification is scheduled for August 1, 2012 with the Alexandria ASAP.

VASAPDA REPORT (ASAP Director's Association)

Mr. Kimball Peele encouraged all of the directors to introduce themselves to the new Commission members and to be available to answer any questions that they may have about ASAP operations in the local area.

Mr. Peele thanked Senator Marsh for his years of service to the Commission on VASAP.

Mr. Peele also commented on the retirement of Mr. David Dutcher and thanked him for his service to the local ASAP programs.

Mr. Peele spoke of the longevity of employees dating back to the origin of the VASAP system in 1975. Since that time, VASAP has evolved into one of the best programs in the nation. Mr. Peele added that the ASAP staff gives their best every day to local program operations to make sure everything is running smoothly.

Mr. Peele reported that the directors had a successful spring conference in May. VASAPDA is currently operating 6 or 7 active committees that are working towards the standardization and uniformity of program operations. The committee includes development of a training curriculum for new case managers.

VASAPDA has an active ignition interlock committee that worked closely with the Commission to develop procedures for ignition interlock. Mr. Peele acknowledged the anticipated increase in workload due to the changes in the ignition interlock laws. He stated the directors are ready and will make changes locally as needed.

Mr. Peele thanked the Commission members for all their work. He also thanked Ms. Coleman and her staff for working hard in regard to the certification and the submission and approval of the budgets.

Remaining 2012 Meeting Dates

Delegate Iaquinto invited discussion from the Commission members on the remaining schedule of meeting dates. He stated that some concerns had been expressed about traffic problems on Fridays and if that was the best day of the week to conduct Commission meetings. Judge Varoutsos noted that he, and likely others have already made arrangements for the remaining dates. It was decided that the discussion regarding the meeting dates would continue in December when the Commission selected meeting dates for 2013 and in all likelihood, Fridays would no longer be an option. The Commission would meet as scheduled for the two remaining dates of September 14th and December 7th, 2012.

Executive Session

A motion was made and properly seconded to adjourn into Executive Session under the provisions of Virginia Code §2.2-3711 to discuss legal and personnel matters. All were in favor.

Return to Open Session

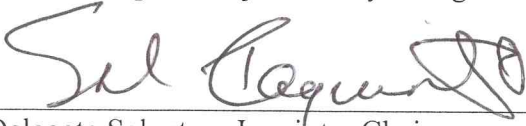
A motion was made and properly seconded that only legal and personnel matters were discussed in Executive Session. All were in favor.

Meeting Dates:

September 14, 2012 December 7, 2012

Adjournment:

The meeting was adjourned by Delegate Salvatore Iaquinto.

A handwritten signature in dark ink, appearing to read "Sal Iaquinto", written over a horizontal line.

Delegate Salvatore Iaquinto, Chairman